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08/640,738

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/640,738	05/06/96	HYON	S 960381

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33M1/1202

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

3308

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DATE MAILED:

12/02/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6 MAY 1996

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 (three) month(s), ~~or thirty days~~, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 - 8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 - 8 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. ✓

### *Specification*

The specification is replete with grammatical errors too numerous to mention specifically.

The specification should be revised carefully. Examples of such errors are:

- (1) On page 1, line 14, delete "passed"; ✓
- (2) On page 1, line 21, delete "been"; ✓
- (3) On page 1, lines 20-26, examiner has no idea what applicant is trying to say. Please rewrite using clear and concise language; ✓
- (4) On page 1, line 33, delete "of"; ✓
- (5) On page 2, line 11, replace "have been" with -- were --; ✓
- (6) On page 2, line 15, replace "has been" with -- was --;
- (7) On page 3, line 2, replace "reaches" with -- reached --; ✓
- (8) On page 6, line 28, delete "of". ✓

The abovementioned problems represent a few of the grammatical errors which are replete throughout the specification. It is applicant's responsibility to carefully review the specification for syntax, spelling, and punctuation errors, run-on sentences, and improper subject and verb agreement, and to make appropriate corrections as necessary.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the following reason:

- (1) Regarding claim 7, applicant does not cite the limitations of the melting point range. Therefore, examiner has no idea how to treat this limitation. Does applicant mean a temperature range between 50°C to 80°C? Or does applicant mean a temperature within 30°C of the melting point of UHMWPE? Please rewrite this limitation using specific terminology. ✓

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenzweig (U.S. Patent No. 5,030,487) for the following reasons:


- (1) Regarding claim 1, it is inherent that molded articles made of ultra high molecular weight polyethylene (UHMWPE) will have a molecular orientation, because UHMWPE is an organic polymer (see col. 3, lines 59-68 and col. 2, lines 1-28);
- (2) Regarding claims 2, 5, 6, and 8, see col. 14, lines 37-57, which disclose a method of compression-deforming UHMWPE after heating up to a compression deformable temperature and then cooling to keep the deformed state, said UHMWPE having a molecular weight of about 4.0 million before being irradiated with 3 Mrad for crosslinking;
- (3) Regarding claim 3, it is inherent that a crosslinked UHMWPE molded article would have a melting point in the range of 135°C to 155°C;


- (4) Regarding claim 4, see col. 14, lines 27-30, which disclose an artificial joint comprising a UHMWPE coupler to join together two pipes;
- (5) Regarding claim 7, as best understood; see col. 14, lines 37-57, which disclose a compression-deformable temperature within the range of the melting point of the UHMWPE molded article.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Falkenstrom (U.S. Patent No. 5,405,393) and Shih (U.S. Patent No. 5,130,376) also show various features of the claimed invention.

Any inquiry concerning this communication or earlier communications regarding this application should be directed to Tram Nguyen at (703) 308-0804/(703)305-3590 (FAX). If you are unable to reach me, please contact my supervisor, John Weiss, at (703) 308-2702. In a case requiring immediate assistance, please call (703) 308-0858 to reach the main operator.

  
TAN  
November 25, 1996

  
**MICHAEL J. MILANO**  
**PRIMARY EXAMINER**  
**ART UNIT 3308**